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| 24033 7590 09/14/2010 KONRAD RAYNES & VICTOR, LLP 315 S. BEVERLY DRIVE # 210 BEVERLY HILLS, CA 90212 | | | | |
| EXAMINER DONLON, RYAN D | | | | |
| ART UNIT 3695 | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

krvuspto@ipmatters.com

Office Action Summary

Application No.

10/537,636

Applicant(s)

KUMAR ET AL.

Examiner

RYAN D. DONLON

Art Unit

3695

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 10-20, 23, 42-45, 51-61, 64, 83 and 93-107 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10-20, 23, 42-45, 51-61, 64, 83 and 93-107 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2 July 2010 has been entered.

Status of Claims

2. Claims 1-4, 10-20, 23, 42-45, 51-61, 64, 83, and 93-107 are pending and have been examined. Claims 93-107 are mislabeled as "(New)" when, in fact, they were previously presented. Applicant's amendments have overcome the previous 35 U.S.C. § 112 2nd and 101 rejections.

Claim Rejections - 35 USC §101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-4, 10-20, and 23 are rejected under 35 U.S.C. 101 because based upon consideration of all of the relevant factors with respect to the claims, considered as a whole, are held to claim an abstract idea, and are therefore rejected as ineligible

subject matter under 35 U.S.C. § 101. Rather than claim a method which is performed by a machine (e.g. "storing, by a computer"), or causes a transformation, the Applicant has claimed a method performed by a human *per se* (e.g. "storing, using a computer..."). In the present claims the machine is merely an object on which the method operates.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 10-20, 23, 42-45, 51-61, 64, 83, and 93-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. US 6301563 (hereinafter Brown) in view of Hargrove Jr. et al., US 5897619 (hereinafter Hargrove)

7. As per **claim 1** :

Brown discloses a computer-implemented method for evaluating risk associated with underwriting an insurance policy, comprising:

using a computer including a processor (see column 3 lines 34-37);

storing, using a computer including a processor, for each of one or more locations (reads on "evaluation site"; see column 3 lines 18-19), high risk zones (reads on "spheres of influence"; see column 3 lines 20-24) that each form a risk ring forming a circle (reads on "sphere") in proximity to a location and that each identify, for each of

multiple perils, associated loss factors (reads on "type of hazard" see column 4 lines 3-6);

receiving, using the computer including the processor, one or more locations to be covered under the insurance policy for one or more perils (see at least column 4 lines 35-39); and

automatically assessing, using the computer including the processor, risk associated with the one or more locations using the stored high risk zones that identify the associate loss factors for that peril (see column 4 lines 35-39), including generating rating results for one or more perils,

Brown does not teach wherein the rating results indicate whether that peril may occur at each of the one or more locations.

However Hargrove teaches the use of rate tables which associate a location with the corresponding risk presented at that location, thus indicating whether that peril may occur at each of the one or more locations. (see at least column 2 lines 44-62, column 6, lines 42-56 and column 5 lines 21-27)

It would have been obvious to one of ordinary skill in the art to include in the practice of identifying circular high risk zones of Brown, the practice of administrating an insurance plan using rate tables as taught by Hargrove because Brown discloses the use of the system for determining spatial high risk zones related to insurance and Hargrove provides additional features to more easily acquire, portray and process spatial data related to insurance. Further the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed

the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings Brown and Hargrove to obtain the invention as specified in claim 1.

8. As per **claim 2**:

Hargrove discloses a method of claim 1, wherein automatically assessing further comprises:

applying at least one business rule (see at least column 7 lines 1-9).

9. As per **claim 3**:

Hargrove discloses a method of claim 1, further comprising:

providing selection of at least one of an underwriting analysis and a risk analysis (see at least column 6 line 42-56).

10. As per **claim 4**:

Hargrove discloses a method of claim 1, further comprising:

providing setup of an event that may impact assessment of risk (see at least column 5 lines 21-27).

11. As per **claim 10**:

Hargrove discloses a method of claim 1, wherein a location is selected by at least one of a company search, an address search (legal description), or uploading a file (see at least column 8 lines 35-49. For the purposes of applying prior art, the Examiner has interpreted this claim in the alternative as it has been presented. Any dependant claims relying on the unconsidered alternatives of this claim for antecedent bases will be rejected under the same rationale as this claim).

12. As per **claim 11**, the claim recites "The method of claim 10, wherein selection of a location by company search further comprises:

receiving at least part of a *company name*;

searching for the company name in a business data store;

and retrieving at least one address from the searching" (emphasis added). The antecedent basis for this claim is an alternative element of claim 10, specifically "a company search". This claim is therefore rejected under the same rationale as claim 10 above, since it is a further limitation of an unconsidered alternative element.

13. As per **claim 12**, this claim recites "The method of claim 11, further comprising: determining that there are ambiguous addresses for the *company name*; and providing selection of at least one of the addresses" (emphasis added). This claim depends from claim 11 above which further limited an alternative element of claim 10. This claim is therefore rejected under the same rationale as claim 10 above, since it is a further

limitation of an unconsidered alternative element.

14. As per **claim 13**:

Hargrove does not specifically disclose a method of claim 10, wherein selection of a location by an address search further comprises:

receiving a street address and at least one of a zip code and a city and state.

However Hargrove does disclose entering the "legal description" of the location. It would have been obvious (if not inherent) to one skilled in the art at the time of the invention to include a street address and at least one of a city, state or zip code in a legal description because this would have been a well known standard to identify a location for the postal service.

15. As per **claim 14**, the claim recites, "The method of claim 10, wherein selection of a location by uploading a file further comprises: associating data in the file with a predefined format." The antecedent basis for this claim is an unconsidered alternative element of claim 10, specifically "by uploading a file". This claim is therefore rejected under the same rationale as claim 10 above, since it is a further limitation of an unconsidered alternative element.

16. As per **claim 15**:

Hargrove discloses a method of claim 10, further comprising:

automatically geocoding the selected location (see at least column 8 lines 15-65,

wherein there is disclosed a field ID automatically assigned).

17. As per **claim 16**:

Hargrove discloses a method of claim 10, wherein the location can not be automatically geocoded and further comprising:

providing use of a spatial interface to manually geocode the location (see at least column 8 lines 15-65 wherein there is disclosed a manual selection of fields).

18. As per **claim 17**:

Brown discloses a method of claim 1, wherein automatically assessing risk further comprises:

performing a proximity analysis (see at least column 4 lines 7-15).

19. As per **claim 18**:

Hargrove does not disclose a method of claim 1, wherein the rating results for at least one peril are displayed on a map.

20. However does discloses location ratings results for locations for peril (column 5 lines 22-27) and displaying data for a particular location in (see at least column 8 lines 15-34) and also a policy map (column 11 lines 11-21). Rates on a field by field basis are also disclosed (see at least column 4 lines 33-49). It would have been obvious for the system to be capable to display the ratings for the fields on the map because this would have been a similar display to the well known predictive weather map for helping to

identify the risk associate with a policy or crop risks.

21. As per **claim 19** :

Hargrove discloses a method of claim 1, further comprising:

providing drilldown into details of at least a portion of the rating results (see at least column 4 lines 33-50 and column 7 lines 9-21, wherein it is disclosed that rates may be displayed and determined on a field by field basis)

22. As per **claim 20**:

Brown discloses a method of claim 1, further comprising:

providing exporting of the rating results (see at least column 4 lines 41-42).

23. As per **claim 23**, :

Hargrove discloses a method of claim 1, wherein assessing risk associated with the location further comprises:

assessing risk based on at least one of unbound policies and bound policies (see at least column 5 lines 43-61).

24. As per **claims 42 and 83**, these claims are rejected under the same rationale as claim 1 above.

25. As per **claims 43 and 93**, these claims are rejected under the same rationale as claim 2 above.

26. As per **claims 44 and 94**, these claims are rejected under the same rationale as claim 3 above

27. As per **claims 45 and 95**, these claims are rejected under the same rationale as claim 3 above

28. As per **claims 51 and 96**, these claims are rejected under the same rationale as claim 10 above.

29. As per **claims 52 and 97**, these claims are rejected under the same rationale as claim 11 above.

30. As per **claims 53 and 98**, these claims are rejected under the same rationale as claim 12 above.

31. As per **claims 54 and 99**, these claims are rejected under the same rationale as claim 13 above.

32. As per **claims 55 and 100**, these claims are rejected under the same rationale as claim 14 above.

33. As per **claims 56 and 101**, these claims are rejected under the same rationale as claim 15 above.

34. As per **claims 57 and 102**, these claims are rejected under the same rationale as claim 16 above.

35. As per **claims 58 and 103**, these claims are rejected under the same rationale as claim 17 above.

36. As per **claims 59 and 104**, these claims are rejected under the same rationale as claim 18 above.

37. As per **claims 60 and 105**, these claims are rejected under the same rationale as claim 19 above.

38. As per **claims 61 and 106**, these claims are rejected under the same rationale as claim 20 above.

39. As per **claims 64 and 107**, these claims are rejected under the same rationale as claim 23 above.

Response to Arguments

40. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN D. DONLON whose telephone number is (571)270-3602. The examiner can normally be reached on Monday through Friday 7:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. D. D./
Examiner, Art Unit 3695
September 9, 2010

/Narayanswamy Subramanian/
Primary Examiner, Art Unit 3695